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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,948	07/23/2001	Wei-Chen Liang	MR1035-916	2467

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ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

RAO, SHRINIVAS H

ART UNIT PAPER NUMBER

2814

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,948	LIANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven H. Rao	2814	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

The Application as currently filed does not claim priority from any prior filed application. Therefore currently the earliest filling date is the U.S. filling date, namely July 23, 2001.

### ***Drawings***

The drawings as filed is objected to because Figure 1 shows only conventional device as should therefore be labeled "Prior Art"

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 to 6 are rejected under the judicially created doctrine of double patenting over claims 1 to 11 of U. S. Patent No. 6,407,793 ('793 patent herein after)

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since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

Claim 1 of the instant application claims subject matter already claimed in the '793 patent claim 1 lines 17-29, the plurality of tidily arranged pixels (to the extent understood) is also claimed in claim 11 and the recitation "achieving color images by controlling contrast of brightness " is inherent in claims 1 to 11 of the '793 patent e.g. in claim 1 lines 17- 29, etc. the two different colors in each subpixel is differentiated and displayed.

Claim 2 of the instant application is identical to claim 3 of the '793 patent.

Claim 3 of the instant application is identical to claim 4 of the '793 patent.

Claim 4 of the instant application is identical to claim 10 of the '793 patent.

Claim 5 of the instant application is identical to claim 11 of the '793 patent.

Claim 65 of the instant application is identical to claims 1 to 11 of the '793 patent.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 112***

Claims 1 to 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 the phrase “ tidily arranged ” renders the claim indefinite because it is not understood what is included/excluded by the recited term.

Further the prior art, or knowledge of one of ordinary skill in the art does not clarify what Applicants’ intend to include/exclude by the phrase “ tidily arranged”.

Claims 2-5 are rejected at least for depending upon rejected claim 1.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 6 to the extent understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. Patent No. 5,936, 694, herein after Suzuki) in view of Nakahara et al. (U.S. Patent No. 5,982,470, herein after Nakahara)

With respect to claim 1, to the extent understood, Suzuki describes a color display achieving color images by controlling contrast of brightness of a plurality of tidily arranged pixels, (Suzuki fig. 3) each of said pixels comprising at least two sub-pixels,

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(Suzuki fig. 1 # 43, col. 5 lines 60- col. 6 line 4) each of said sub-pixels comprising at least two colors, (Suzuki figure 1 # 43) each of line of said transversely-arranged sub-pixels being electrically connected together by a signal scan line, ( Suzuki figure 4 # 15a , col. 7 lines 35 to 45) each line of said longitudinally-arranged colors being electrically connected together by a data transmission scan line, ( Suzuki figure 4 # 15, col. 7 line 52) .

Suzuki does not specifically state that at least two of said data transmission lines connecting the same color.

However, Nakahara in figures 2, 10, etc. And col. 8 lines describes two electrodes (data transmission lines 19 and 20) being connected to each color pixel to provide uniform seal between the two substrates between which the liquid crystal layer is placed so that the difference in brightness between a central portion and a portion in a vicinity of the seal in the display area can be eliminated thereby improving display quality.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Nakahara's two electrodes (at least two of said data transmission lines) connected to the same color in Suzuki's device to provide uniform seal on four sides between the two substrates between which the liquid crystal layer is placed so that the difference in brightness between a central portion and a portion in a vicinity of the seal in the display area can be eliminated thereby improving display quality. (Suzuki abstract last 5 lines, etc.) .

The remaining limitation of claim 1 is:

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in each line of said longitudinally-arranged pixles being joined together by a conductive line to be connected to the same driving part. ( Suzuki figure 5, etc. col. 7 lines 47-60, Nakahara figs. 31-35, cols. 38-39).

With respect to claim 2, to the extent understood, wherein said sub-pixel comprises a primary color and its complementary color. ( Suzuki each pixel contains at least three colors of which one is primary and another complementary).

With respect to claim 3, wherein the sub-pixel comprises three primary colors of red, green and blue. ( Suzuki figure 2) .

With respect to claim 4, wherein the pixel can be designed to be a dot-matrix shape or an irregular shape. ( Suzuki col. 5 lines 50-55).

With respect to claim 5, wherein the arrangement of the colors on said pixel can be selected among a straight-line shape and an alternate grid shape. ( Suzuki col. 5 lines 50-55).

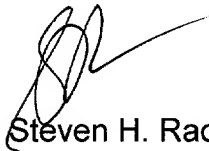
With respect to claim 6, wherein the driving part is an active type separate IC device. ( Suzuki col. Col. 7 line 46- 60).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. Rao whose telephone number is (703) 3065945. The examiner can normally be reached on 8.00 to 5.00.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 7463926 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 3067722.

A handwritten signature in black ink, appearing to read "Steven H. Rao", with a stylized flourish extending to the right.

Patent Examiner

August 9, 2003.